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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,717	09/12/2003	Steven S. Homer	200312716-1	8243

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EXAMINER

EDWARDS, ANTHONY Q

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/661,717

**Applicant(s)**

HOMER ET AL.

**Examiner**

Anthony Q. Edwards

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

The declaration filed on September 7, 2004 under 37 CFR 1.131 has been considered but is ineffective to overcome the US Patent Application Publication No. 2004/0090742 reference to Son et al.

The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the Son et al. reference. Although applicants have submitted photographs of the claimed invention as evidence, they have not provided articles, technical reports or some other type of evidence sufficiently coupling the photographs to show reduction to practice.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7-13, 18 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. US2004/0090742 to Son et al. ("Son" hereinafter). Referring to claim 1, Son discloses a computing system (400) comprising a docking station (570) having a base (500), a carrier (410) separate from the base, and a nonlinear rigid mounting arm (600) mechanically connecting the base to the carrier (see Figs. 15-16A), wherein the mounting arm has a first end that pivotally connects to the base and a second end that pivotally connects to the carrier (see pg., 7, para. 0108, lines 7-18), an electronic display (700) removably connectable

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to the carrier, and a keyboard (300) in communication with the display (see pg. 7, para. 0106, lines 1-4).

Referring to claim 2, Son discloses a computing system, wherein the first end pivots about the base with a first rotational force, the second end pivots about the carrier with a second rotational force, and wherein the first rotation force is inherently greater than the second rotational force, since a greater force is required to maintain stability about the base axis of rotation than is require to maintain stability about the display axis of rotation.

Referring to claims 3-5, Son discloses a computing system, wherein the mounting arm has an S shape in side view, is a single integrally formed member, and has an elongated configuration with a generally curved portion and a generally straight portion, respectively (see Figs. 15 and 16A).

Referring to claim 7, Son discloses a computing system, wherein the display (700), while connected to the carrier, is movable between at least four different positions comprising a horizontal landscape position, a horizontal portrait position, an upright landscape position, and an upright portrait position. See pg. 11, para. 0139.

Referring to claim 8, Son discloses a portable computer comprising a base (500) inherently having a central processing unit and memory (see pg. 7, para. 0108), a display (700) having a screen, wherein the display is movable between a horizontal position with respect to the base and a vertical position with respect to the base (see pg. 11, para. 0139, lines 5-8), and an elongated mounting arm (600) mechanically and electrically coupling the display to the base, wherein the mounting arm has two different portions with at least one portion being curved. See Figs. 15-16A and pg. 7, para. 0107.

Referring to claims 9 and 10, Fig. 16A of Son shows a portable computer, wherein the two different portions (i.e., of the mounting arm 600) are rigidly and fixedly connected together and wherein at least one portion is generally straight, and wherein the mounting arm rotationally connects at a first end to the base and rotationally connects at a second end to the display.

Referring to claim 11, Son discloses a portable computer, wherein the base (500) further comprises a stop mechanism (535) to limit movement of the mounting arm about the base while the display is in the vertical position. See 16A and the corresponding specification.

Referring to claim 12, Son discloses a portable computer wherein the display (700) is adapted to function as a notepad while in the horizontal position (see Fig. 16B) and a view screen while in the vertical position (see pg. 1, para. 0017).

Referring to claim 13, Son discloses the method as claimed. See Figs. 15 and 16A, as well as pg. 11, para. 0139.

Referring to claim 18, Son discloses a computing system comprising a docking station (570) comprising a base (500) housing electronic components (see pg. 7, para. 0108), a carrier (410), and means (600) for connecting the base to the carrier, a display (700) inherently housing electronic components and mechanically connected to the carrier and electrically coupled to the base through the means for connecting (see pg. 7, para. 0107), and means (457/458a) for positioning the display above the base such that a center of gravity of the display is between two different and parallel axes that pass through two different rotational locations and that are normal to a support surface supporting the base (see pg. 9, para. 0121, lines 30-37 and para. 0124).

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Referring to claim 19, Son discloses a computing system, wherein the means (600) for connecting provides a curved mechanical connection between the base and the carrier (see Fig. 16A).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Son.

Referring to claim 14, Son discloses the method as claimed, except for specifically comprising forming an angle with a front surface of the display relative to a normal axis with the base, the angle being between 10 degrees and 40 degrees. As stated in MPEP 2144.05, "[W]here the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by experimentation. It would have been obvious to form an angle with a front surface of the display of Son relative to a normal axis with the base as recited in the claims, since the angle represents a workable range of a variable that might be characterized as routine experimentation and involves only routine skill in the art.

Referring to claim 15, Son discloses the method as claimed, further comprising adjusting the display to a horizontal position so the display rests on a support surface, and forming triangular contact locations (426/427) with the display and support surface. See Figs. 16A, 16B and 18.

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Referring to claims 16 and 17, Son discloses the method as claimed. See Figs. 16A and 16B, which show first (426) and second (427) contact locations on the corner of the display and a third contact location (not numbered) on both the mounting arm (600) and the base (500).

Claims 6 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Son in view of U.S. Patent Application Publication No. US2004/0047115 to Herlot et al. Referring to claim 6, Son discloses the computing system as claimed, except for a hollow mounting arm. Herlot et al. disclose a display unit (10) having a hollow mounting arm (19) coupling the base to the display when the display is connected to a carrier (17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the computing system of Son to include a hollow mounting arm, as taught by Herlot et al. to provide cable management for the device of Son.

Referring to claim 20, Son in view of Herlot et al. disclose the computing system, wherein the means for connecting also provides a straight mechanical connection (19) for supporting the display. See Fig. 1 of Herlot et al. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the computing system of Son to include a straight mechanical connection for supporting the display, as taught by Herlot et al. since the straight connection of Herlot et al. may reduce production costs and the overall maintenance requirements for the system of Son.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Q. Edwards whose telephone number is 571-272-2042. The examiner can normally be reached on M-F (7:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on 571-272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 6, 2004  
aqe



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